

~~2021-34895 / Court: 190~~

Jacqueline A. Williams and	§	IN THE DISTRICT COURT OF
Rosaline Webster	§	
	§	
-VS-	§	HARRIS COUNTY, TEXAS
	§	
Hirschbach Motor Lines, Inc.	§	_____ JUDICIAL DISTRICT

PLAINTIFFS' ORIGINAL PETITION WITH REQUEST FOR DISCLOSURES

TO THE HONORABLE JUDGE OF SAID COURT:

Jacqueline A. Williams and Rosaline Webster file this Plaintiffs' Original Petition with Request for Disclosures complaining of Defendant, Hirschbach Motor Lines, Inc. and respectfully shows as follows:

I.

DISCOVERY PLAN LEVEL 2

Plaintiffs request that this lawsuit be governed by Discovery Plan Level 2 pursuant to Rule 190.2 of the Texas Rules of Civil Procedure.

II.

CLAIMS FOR RELIEF

Pursuant to Rule 47 C in the Texas Rules of Civil Procedure, this lawsuit is for monetary relief less than \$250,000.

III.

PARTIES

Plaintiffs are individuals and residents of Harris County, Texas.

Defendant Hirschbach Motor Lines, Inc, is a corporation doing business in Harris County, Texas. This Defendant may be served with due process herein by serving its registered agent for service, Brian Kohlwes at 2460 Kerper Blvd., Dubuque, IA, 52001 or wherever he may be located.

IV.

JURISDICTION OF VENUE

This court has jurisdiction over this case and the damages sought are within the jurisdictional limits of this court. Venue is proper in Harris County, Texas, because the accident made the basis of this lawsuit occurred in Harris County at the time the cause of action accrued.

V.

FACTUAL BACKGROUND

This is a suit for negligence. On or about November 08, 2020, Plaintiff, Jacqueline A. Williams was driving a 2020 Dodge Journey at Little York near 59 S. in Harris County, Texas. Plaintiff Rosaline Webster was a passenger in said vehicle. Defendant's driver was operating a 2019 International 18 wheeler also traveling at Little York and made an unsafe lane change causing the collision. As a result of the collision, Plaintiffs sustained serious personal bodily injuries.

VI.

CAUSES OF ACTION

Defendant Hirschbach Motor Lines, Inc. is liable for the actions of its employee, who was acting in the course and scope of their driver's employment in furtherance of the business interests of Hirschbach Motor Lines, Inc. On the occasion in question their driver operated a commercial vehicle in a negligent manner, in that their driver violated the duty which is owed the Plaintiffs to exercise ordinary care in the operation of the motor vehicle in one or more of the following particulars:

1. In failing to keep proper lookout;
2. In making an unsafe lane change, disregarding other vehicles;
3. Driver inattention.
3. Failing to timely apply the brakes to avoid collision with Plaintiff.
4. In any combination of two or more of the above.

VII

DAMAGES

Because of their bodily injuries proximately caused by Defendant's negligence, Plaintiffs are entitled to reasonable and proper compensation for the following legal damages:

- a. past and future medical expenses;
- b. past and future physical pain; and
- c. past and future pain and suffering;

VIII

REQUEST FOR DISCLOSURES

Pursuant to Rule 194 of the Texas Rules of Civil Procedure, Defendant is requested to disclose the information and material described in Rule 194.2 within fifty (50) days of the service of this Plaintiffs' Request for Disclosure to Defendant.

IX.
PRAYER

Plaintiffs pray that they have judgment against Defendant for actual damages shown and proven at a trial, for prejudgment and post judgment interest, for cost of court and for all other relief, legal and equitable, to which they are entitled.

Respectfully submitted,

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